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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR03-227-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 RACHEL I. NOIA,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release violation in this case was scheduled before me on
15 July 6, 2009. The United States was represented by AUSA Kathryn A. Warma and the defendant
16 by Lynn Hartfield. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about September 12, 2003 by the Honorable Marsha
18 J. Pechman on a charge of Wire Fraud, and sentenced to five years probation. (Dkt. 20)

19 The conditions of probation included the standard conditions plus the requirements that
20 defendant be prohibited from possessing a firearm, submit to mandatory drug testing, abstain from
21 the use of alcohol, submit to search, participate in a mental health program, be prohibited from
22 gambling, attend Gamblers Anonymous meetings, pay restitution in the amount of \$34,305,

01 provide access to financial information, maintain a single checking account, divulge any business
02 interests, disclose all assets and liabilities, allow inspection of her personal computer, notify her
03 probation officer of any software purchases, be prohibited from incurring any new credit
04 obligations or lines of credit, be prohibited from possessing identification in any but her true
05 identity, and take all prescribed medications.

06 On October 14, 2004, defendant admitted violating the conditions of probation by failing
07 to participate in mental health treatment. (Dkt. 30.) While the matter was pending for disposition,
08 defendant's probation officer filed a report indicating that defendant had violated additional
09 conditions of probation, which were incorporated into the pending proceedings. (Dkt. 31.) On
10 March 4, 2005, defendant admitted violating the conditions of probation by gambling and by
11 entering a gambling establishment. (Dkt. 32.) On June 13, 2005, the conditions of probation were
12 modified to require defendant to complete 25 hours of community service, and to participate in
13 Dialectical Behavior Therapy. (Dkt. 34.)

14 On October 7, 2008, defendant was found to have violated the conditions of probation by
15 failing to report to the probation office as directed, failing to complete her community service
16 hours as directed, and failing to pay restitution as directed. She was sentenced to one day with
17 credit for time served, plus twelve months supervised release on the same conditions. (Dkt. 44.)

18 In an application dated June 12, 2009 (Dkt. 45), U.S. Probation Officer Angela M.
19 McGlynn alleged the following violations of the conditions of supervised release:

- 20 1. Failing to report to the United States Probation Office as directed, in violation of
21 standard condition No. 2.
- 22 2. Failing to pay restitution as directed, in violation of the special condition requiring

the defendant to pay \$34,305 in restitution to the victim.

3. Obtaining credit without permission in January 2009, in violation of the special condition that prohibits the defendant from incurring new credit charges or opening additional lines of credit without approval.

Defendant was advised in full as to those charges and as to her constitutional rights.

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred. (Dkt. 49.)

I therefore recommend the Court find defendant violated her supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Pechman.

Pending a final determination by the Court, defendant has been released on the conditions of supervision.

DATED this 6th day of July, 2009.

s/ Mary Alice Theiler
United States Magistrate Judge

cc:	District Judge:	Honorable Marsha J. Pechman
	AUSA:	Kathryn A. Warma
	Defendant's attorney:	Lynn Hartfield
	Probation officer:	Angela M. McGlynn